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STATE OF MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY
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June 27, 2016

Mr. Brian Oliner
Assistant Attorney General
Office of the Attorney General
State of Maryland
200 St. Paul Place
Baltimore, MD 21202

**Re: Request for Attorney General Advisory Opinion on Residency Requirement in
Baltimore City**

Mr. Oliner,

I am writing to you today to request an Official Advisory Opinion of the Office of the Attorney General of the State of Maryland to be issued to the Board of Liquor License Commissioners of Baltimore City (BLLC) concerning the following three (3) legal issues confronting the agency:

1. Does Art. 2B §9-101(b), prohibit individuals who currently no longer meet the residency requirements from being the sole licensee on behalf of the corporation even though at the time of original issuance the licensee met the prescribed residency requirements?
2. Is the agency's decision to "grandfather-in" pre-2015 licensees, as part of the rewrite of the 2015 Rules and Regulations of the Agency as required by the Alcoholic Beverages Act of 2014, under its 1998 Rules and Regulations, which provided authorization for "residents or taxpayers" and not "residents and taxpayers" as per Art. 2B §9-101(b), invalid?
3. Are the portions of Art. 2B §9-101(a)-(c) that require applicant residency within the jurisdiction that the applicant is making application of licensure valid given the Court of Appeals position that residency restrictions which infringe economic interests without furthering legitimate legislative objectives as potentially violative of Article 24 of Maryland's Declaration of Rights and the equal protection and privileges and immunities clauses of the U.S. Constitution? *Verzi v. Baltimore County*, 333 Md. 411 (1994).

I am fully aware that the review of the questions raised within this letter may take some time as the issues raised may be of first impression as there appears to be a conflict between State laws, our former rules and regulations, and doubt as to the constitutionality of a residency requirement for local licensure.

Accordingly, the BLLC shall continue to renew and issue licenses following its past patterns and practices until the issuance of an Official Advisory Opinion of the Office of the Attorney General of the State of Maryland concerning the questions raised in this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Matricciani, Jr.", with a stylized flourish extending to the right.

Albert J. Matricciani, Jr.
Chairman
Board of Liquor License Commissioners
For Baltimore City